THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12678 of 2005

Dated:07.09.2006

Between:

Nadimpalli Paddaraju and others.

…Petitioners

and

The District Collector, and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.12678 of 2005

ORDER:

This Writ Petition is filed seeking a writ of mandamus declaring the action of respondents 1 and 2 in trying to interfere with the possession and enjoyment of the property in possession of the petitioners comprised in B.S.Nos.74/6, 82/2d, 3/c etc., situated at Ubalanka Village of Ravulapalem Mandal in East Godavari District, as illegal and arbitrary.

This Court admitted the Writ Petition on 16.06.2005 and ordered notice in W.P.M.P.No.16097 of 2005. Subsequently, the learned Counsel for the petitioners filed a letter, dated 22.08.2006, seeking leave to withdraw the Writ Petition insofar as petitioner No.3 is concerned. Therefore, the matter was listed under the caption "for dismissal". However, having regard to the submission of the learned Counsel for the petitioners as well as the learned Assistant Government Pleader for Revenue (General), the matter was directed to be listed for hearing. Today when the matter is heard, the learned Assistant Government Pleader submits that there is no threat of dispossession from the respondents, and that the Writ Petition is filed on a mere apprehension.

In view of the submission made by the learned Assistant Government Pleader, this Writ Petition is disposed of observing that

unless and until the petitioners are given proper notice, their right to enjoy the property in their possession, as alleged, cannot be violated. No costs.

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(V.V.S.RAO, J)

07.09.2006
vs